

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ROBERT E. LEVERSEE,

Plaintiff,

Case No. 4:06-cv-84

v.

Honorable Richard Alan Enslen

J. RICHARDSON JOHNSON, *et al.*,

Defendants.

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**ORDER OF DISMISSAL**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On July 21, 2006, the Court entered an Order of Deficiency because Plaintiff had failed to pay the filing fee or file the required documents to request leave to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a) and (b). The Court allowed 30 days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis* and dismiss his case for want of prosecution. On July 27, 2006, in response to an inquiry from Plaintiff, the Court Clerk sent him a copy of his Complaint and attachments; a form complaint and instructions for prisoner civil rights actions under 28 U.S.C. § 1983; and a form request to proceed *in forma pauperis*.

More than 30 days have elapsed from the Court's July 21, 2006 deficiency order and from the Clerk's July 27 submission of forms to Plaintiff. Plaintiff never submitted the \$350 filing fee or the requisite documents to apply to proceed *in forma pauperis* to the Court. Because Plaintiff has failed to comply with the Court's July 21 Order, assessment of the entire \$350 filing fee and dismissal of this action without prejudice for want of prosecution is appropriate. Therefore:

**IT IS HEREBY ORDERED** that the captioned case is **DISMISSED** without prejudice.

DATED in Kalamazoo, MI:  
September 19, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE